

## **CHAPTER 67-21-03 SPECIAL MILK PROGRAM**

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**67-21-03-01. Purpose.** The special milk program, initiated at the federal level and in partnership with the states, is designed to encourage the consumption of fluid milk by children.

**History:** Effective February 1, 2000.

**General Authority:** NDCC 15-54-03, 28-32-02

**Law Implemented:** NDCC 15-54

**67-21-03-02. State agency.** The department of public instruction has been designated by the United States department of agriculture as the state agency in the state of North Dakota to assist in the implementation, maintenance, and funding of the program.

**History:** Effective February 1, 2000.

**General Authority:** NDCC 15-54-03, 28-32-02

**Law Implemented:** NDCC 15-54-03; 7 CFR 215.3

**67-21-03-03. Use of federal rules and policies.** Unless otherwise specified in this chapter, eligibility to participate in the special milk program is governed by federal special milk program regulations. The local program must conform to lawfully issued rules and policies relating to the special milk program.

**History:** Effective February 1, 2000.

**General Authority:** NDCC 15-54-03, 15-54-05, 28-32-02

**Law Implemented:** NDCC 15-54-03; 7 CFR 215

**67-21-03-04. Eligibility.** Local agencies eligible for participation in the special milk program include:

1. Nonprofit schools of high school grade and under which do not participate in a meal service program authorized under the National School Lunch Act.
2. Split-session kindergarten programs in which the participating children do not have access to other meals.

3. Nonprofit nursery schools, child care centers, settlement houses, summer camps, and other nonprofit institutions devoted to the care and training of children.

**History:** Effective February 1, 2000.

**General Authority:** NDCC 15-54-03, 28-32-02

**Law Implemented:** NDCC 15-54-03, 15-54-05; 7 CFR 215.1

**67-21-03-05. Application.** Application forms are available at the Department of Public Instruction, 600 East Boulevard Avenue, Department 201, Bismarck, North Dakota 58505-0440.

1. The application forms include:
  - a. A program agreement, which includes:
    - (1) Identification of the program or programs in which the local agency wants to participate;
    - (2) Verification that the local agency will comply with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and all provisions required by the implementing regulations of the United States department of agriculture. Signature by an authorized representative of the local agency will serve as verification; and
    - (3) Verification of agreement that the local agency agrees to compile data, maintain records, and submit reports as required and permit authorized personnel to review such records, books, and accounts as needed to ascertain compliance with the program. Signature by an authorized representative of the local agency will serve as verification. Such records must be maintained for three years after the end of the fiscal year to which they pertain.
  - b. A renewal agreement, which is presented annually to the local agency by the state agency for any appropriate revisions. Forms and information are forwarded to the local agency in July and must be returned for approval and renewal by September.
  - c. A free or reduced-price policy statement and attachments, which will be automatically renewed unless a new or updated statement is entered into by the state and local agency.
2. The program agreement, in its entirety, must stipulate that local agencies:

- a. Maintain a nonprofit school food service program;
- b. Limit its net cash resources to an amount that does not exceed three months' average expenditures;
- c. Maintain a financial management system and comply with related requirements;
- d. Serve milk that meets the minimum requirements;
- e. Serve milk free to all children who are determined by the local agency to be eligible for such meals;
- f. Count milk served and claim reimbursement;
- g. Maintain proper sanitation and health standards in conformance with applicable state and local laws and regulations;
- h. Maintain necessary facilities for storing, preparing, and serving milk;
- i. Upon request, make all accounts and records pertaining to the program available to the state agency and to the United States department of agriculture; and
- j. Maintain files of currently approved and denied free and reduced-price applications or alternative documents and retain them for three years after the end of the fiscal year to which they pertain.

**History:** Effective February 1, 2000.

**General Authority:** NDCC 15-54-03, 28-32-02

**Law Implemented:** NDCC 15-54-03, 15-54-05; 7 CFR 210.9

**67-21-03-06. Monitoring.** The department of public instruction shall conduct onsite visits to participating local agencies to ensure compliance with program regulations and with the nondiscrimination regulations of the United States department of agriculture.

**History:** Effective February 1, 2000.

**General Authority:** NDCC 15-54-05, 28-32-02

**Law Implemented:** NDCC 15-54-05; 7 CFR 215.11

**67-21-03-07. Reimbursement claims.** Local agencies shall submit claims for reimbursement using the basic claim for reimbursement form provided by the department of public instruction. Such claims are due on the tenth day of the month

following the month of the claim. Federal reimbursement levels are determined on a periodic basis.

**History:** Effective February 1, 2000.

**General Authority:** NDCC 15-54-03, 28-32-02

**Law Implemented:** NDCC 15-54-03, 15-54-05; 7 CFR 215.10